

2. It was a part and an object of the conspiracy that DIANE SCHINDELWIG, a/k/a "Charmayne Braceey," a/k/a "Silvia Ferrandez-Sanchez," and MIKE MARRERO, a/k/a "Michael Reyes," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled

substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

3. It was further a part and an object of the conspiracy that DIANE SCHINDELWIG, a/k/a "Charmayne Bracey," a/k/a "Silvia Fernandez-Sanchez," and MIKE MARRERO, a/k/a "Michael Reyes," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one-hundred kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about December 2007, DIANE SCHINDELWIG, a/k/a "Charmayne Bracey," a/k/a "Silvia Fernandez-Sanchez," the defendant, used an alias to arrange for the shipment of a crate containing cocaine from California to the Bronx.

b. On or about December 27, 2007, MIKE MARRERO, a/k/a "Michael Reyes," the defendant, accepted delivery of a crate containing cocaine at a warehouse in the Bronx.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. On or about December 27, 2007, in the Southern District of New York, MIKE MARRERO, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, 5 kilograms and more of a mixture and substance containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

6. As a result of committing one or more of the controlled substance offenses alleged in Counts One and Two of this Indictment, DIANE SCHINDELWIG, a/k/a "Charmayne Bracey," a/k/a "Silvia Fernandez-Sanchez," and MIKE MARRERO, a/k/a "Michael Reyes," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts One and Two of this Indictment.

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due

diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value;

or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846, and 853.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DIANE SCHINDELWIG,
a/k/a "Charmayne Bracey,"
a/k/a "Silvia Fernandez-Sanchez,"
MIKE MARRERO,
a/k/a "Michael Reyes,"

Defendants.

SUPERSEDING INDICTMENT

S1 08 Cr. 154 (WHP)

(21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A),
841(b)(1)(B), & 846; 18 U.S.C. § 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Thomas P. Egan
Foreperson.

Filed indictment. Case previously assigned to Judge Pauley.

SQM
4/9/08

- Francis, J.